IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16745 of 2002

Between:

Bapuji Engineering College, Sirgapur Post, Nirmal, Adilabad District 504 106 , rep.by its Secretary & Correspondent, A.Padmanabha Reddy, S/o.A.Rajeswar Reddy, 57 years, r/o.Adilabad.

...PETITIONER

AND

1. All India Council for Technical Education, rep.by its Secretary, Indira Gandhi Sports Complex, I.P.Estate, New Delhi 110 002.
2. Government of Andhra Pradesh, Higher & Technical Education Department, rep.by its Principal Secretary, Secretariat, Hyderabad.
3. Jawaharlal Nehru Technological University, rep.by its Registrar, Hyderabad.
4. Convenor, EAMCET 2002-2003, Govt.of A.P., Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 herein in not allotting seats to the petitioner under Mechanical Engineering Branch despite the approval of the AICTE in letter F.No.730-50-301 (E) ET/99 dated 08.08.2002 as being illegal, arbitrary, unconstitutional, without jurisdiction and consequently direct the

respondents 2 to 4 to acknowledge and recognize the said permission of the AICTE for allowing the petitioner institution making admission to the Mechanical Engineering Branch.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for the Respondent No.1: SC for AICTE

Counsel For Respondent Nos.2 and 4: GP FOR HIGHER EDUCATION

Counsel for Respondent No.3: MR.C.KODANDA RAM

The Court made the following:

ORDER:

The petitioner is an engineering college, recognized by All Indian Council for Technical Education (AICTE), New Delhi and affiliated to Jawaharlal Nehru Technological University (JNTU). During the academic year 2002-03, the AICTE accorded approval to the petitioner for additional seats. However, it appears that respondent Nos.2 to 4 did not allot the students in respect of the increased intake of the seats, assailing which the Writ Petition is filed. This Court while admitting the Writ Petition passed the following interim order in W.P.M.P.No.20986 of 2002 dated 04.09.2002.

Prima facie, All India council for Technical Education (AICTE) has accorded approval to the petitioner-institution for additional seats on being satisfied about the existence of all necessary infrastructures and on the basis of the No Objection certificate issued by the Government.

The learned senior standing counsel for the AICTE seeks time to obtain instruction. The learned Government Pleader for Higher Education submits that counselling through the Convenor has come to an end and it will be undertaken by the 4th respondent. It is stated by the learned counsel for the petitioner that once counselling is concluded, it will be difficult to make admissions.

Be that as it may, since the petitioner-institution is accorded approval, if it is not allotted the candidates in accordance with the existing Rules, the whole infrastructure will go waste for the entire academic year.

Accordingly, there shall be an interim direction to the respondents to allot the candidates to the petitioner-institution in accordance with the existing Rules. Notice.

In view of the interim orders passed by this Court, no cause survives in the Writ Petition, especially, when the respondents have not filed any application to move the vacate stay. In view of the fact that the admissions for 2002-03 were completed long back, no cause survives in the Writ Petition.

The Writ Petition is dismissed as infructuous.

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(V.V.S.RAO, J)

27th August 2004

RRB

Copy To:

1. The Secretary, All India Council for Technical Education, Indira Gandhi Sports Complex, I.P.Estate, New Delhi 110 002.
2. The Principal Secretary, Government of Andhra Pradesh, Higher & Technical Education Department, Secretariat, Hyderabad.
3. The Registrar, Jawaharlal Nehru Technological University, Hyderabad.
4. The Convenor, EAMCET 2002-2003, Government of A.P., Hyderabad.
5. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.